

Filed for intro on 02/20/2003  
SENATE BILL 1267 By  
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HOUSE BILL 1382  
By Overbey

AN ACT to amend Tennessee Code Annotated, Title 32; Title 34  
and Title 68, relative to living wills, do-not-resuscitate  
orders, and durable powers of attorney for health care.

WHEREAS, the General Assembly finds that the citizens of the State need to be able to  
effectively implement their desires regarding health care; and

WHEREAS, most Tennessee citizens have not executed living wills, do-not-resuscitate  
orders or durable powers of attorney for health care; and

WHEREAS, there is not an adequate mechanism in place for these documents to  
remain with the patients; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, is amended by  
adding the following language as a new, appropriately designated part:

§ 68-1-2101 The commissioner of health is authorized to develop forms for living  
wills, do-not-resuscitate orders and durable powers of attorney for health care. Once  
these forms are developed, the commissioner may make the forms, together with  
instructions on how to complete the forms, available to the public and on the Internet for  
downloading and shall notify professional trade organizations that are likely to have an

interest in the forms. By rule, the commissioner may develop a system for maintaining information on individuals' living wills, do-not-resuscitate orders and durable powers of attorney for health care on the Internet and may require health care providers to honor the information maintained for such individuals. The commissioner is authorized to promulgate rules setting forth fees for such services in order to cover the costs to the department of providing such services.

§ 68-1-2102 The commissioner of health may by rule provide for notification of do-not-resuscitate orders to health care providers, including emergency medical technicians and emergency medical technician-paramedics. The commissioner is authorized to require all health care providers to give credence to the notification of do-not-resuscitate orders.

§ 68-1-2103 No health care facility or health care provider may be charged with a crime, held civilly liable or charged with unprofessional conduct for honoring the information, forms or notification developed by the commissioner of health pursuant to this part.

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 140, Part 6, is deleted in its entirety.

SECTION 3. Tennessee Code Annotated, Section 32-11-104(a), is amended by deleting from the first sentence the words "acknowledged and" and by deleting from the second sentence the phrase "nor an employee of a health facility in which the declarant is a patient".

SECTION 4. Tennessee Code Annotated, Section 32-11-105, is amended by deleting the phrase "or a health facility in which the declarant is a patient" and by deleting the following:

STATE OF TENNESSEE

COUNTY OF \_\_\_\_\_

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_, the  
declarant, and subscribed and sworn to before me by \_\_\_\_\_ and  
\_\_\_\_\_, witnesses, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

SECTION 5. Section 2 of this act shall become effective upon the effective date of the  
rules promulgated by the commissioner of health pursuant to § 68-1-2102, the public welfare  
requiring it. The remaining sections of this act shall take effect upon becoming a law, the public  
welfare requiring it.